

Goerisch, C. David

From: Ross Hutchison <RHutchison@smithcashion.com>
Sent: Monday, May 30, 2016 10:46 PM
To: Greg Cashion
Cc: Goerisch, C. David; jbradshaw@wyattfirm.com
Subject: RE: Johnson Marcraft, Inc. v. Western Surety Company

Do I call this guy out? I would like to discuss with you more tomorrow. This is ridiculous and is complete BS.

Sent via the Samsung Galaxy S® 6 edge, an AT&T 4G LTE smartphone

----- Original message -----

From: "Coleman, Duane L." <dcoleman@lewisrice.com>
Date: 5/30/16 10:21 PM (GMT-06:00)
To: Ross Hutchison <RHutchison@smithcashion.com>, Greg Cashion <GCashion@smithcashion.com>
Cc: "Goerisch, C. David" <dgoerisch@lewisrice.com>, jbradshaw@wyattfirm.com
Subject: RE: Johnson Marcraft, Inc. v. Western Surety Company

Ross:

Congratulations on the new arrival. I hope everything went well.

I am surprised and disappointed by your trailing e-mail, which reflects a serious lack of honesty. When we spoke on May 11 about the deficiencies with Western's discovery responses, you told me your wife was expecting Memorial Day weekend. You also stated that you would call me the following week (the week beginning May 16) to advise if Western would revise its responses based on our discussion, including the case citations I provided to you. Thus, the statement in your e-mail that I "went so far as saying that [I] would give [you] a phone call before taking any additional action" is false. In fact, it doesn't even make sense – I had nothing more to say after our telephone conference on May 11 and was waiting to hear back from you. After waiting a week longer than the time you promised to get back to me, I moved forward with the preparation of the Joint Statement. Western cannot unilaterally prevent us from filing a motion to compel by choosing not to "be a part" of the Joint Statement, which is accurate based on our May 11 discussion and Western's failure thereafter to contact us as you said you would do.

Going forward, please communicate with us in writing only. Thank you.

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**Exhibit
8**

From: Ross Hutchison [mailto:RHutchison@smithcashion.com]
Sent: Monday, May 30, 2016 9:49 AM
To: Coleman, Duane L. <dcoleman@lewisrice.com>; Greg Cashion <GCashion@smithcashion.com>